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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/696,696

10/29/2003

Denzal Wayne Van Winkle

VARC.17

5273

7590

10/21/2005

Law Office of Tim Cook P.C.
P.O. Box 10107
Liberty, TX 77575

EXAMINER

COY, NICOLE A

ART UNIT

PAPER NUMBER

3672

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|--------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/696,696 | VAN WINKLE, DENZAL WAYNE | |
| | Examiner | Art Unit | |
| | Ngoc Kinney | 3672 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

[Handwritten marks: a large 'N' on the left and a signature 'ch' on the right]

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5, 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts (U.S. 6,367,804) in view of Avakov (U.S. 5,094,340) and further in view of Olson (U.S. 6,089,526).

Watts discloses a slip body (28); arms (32); a first set of pins attaching the arms to the slip body (42); a plurality of linked segments coupled to the arms (44 & 46); each of the linked segments with an arcuate interior surface (44,46); the arcuate interior surface including a plurality of outwardly extending cones adapted to grip the surface of a tubular (60 & 64). Watts further discloses a slip ram comprising a body having a vertical bore defining a vertical centerline and a horizontal bore extending from the vertical bore (12); a cylinder extending from the horizontal bore (18); a piston within the cylinder (24); a piston rod extending from the piston

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(26); a slip (28), as described above, coupled to the piston rod within the horizontal bore. Note figures 1-3, column 3, lines 3-10, and column 4 lines 6-45.

Although Watts discloses the use of a pin (48) to link the segments (44 & 46), Watts fails to disclose the use of a set of vertical pins linking the segments, or the arcuate interior surface with threads. Avakov teaches the use of elongate gripper surfaces with multiple grooves providing multiple gripper ridges running crosswise thereof relative to the tubing axis to provide a better grip on the coiled tubing while providing space for the accommodation of oil, grease, paraffin, and other materials which may be carried on the coiled tubing's outer surface. Olson disclose of a ram type blowout preventor with metal segments 40 extending radially about a pipe and the use of vertical pins extending through holes in the segments 40.

Therefore it would have been obvious to one skilled in the art at the time of the invention to modify the slip ram of Watts to include elongated gripper surfaces with multiple grooves as taught by Avakov and the vertical pins in the segments as taught by Olson to provide more efficient movement of the segment to grip on the coiled tubing.

Response to Arguments

2. Applicant's arguments with respect to claims 1-8, filed on August 29, 2005 have been fully considered but they are moot in view of the new ground(s) of rejection.

The applicant has argued that Watts does not teach of the linked segments coupled to the arms, wherein each of the linked segments defines an arcuate interior surface for abutting contact with the outside surface of the tubular, however as shown on Figures 4 and 5, Watts shows ~~of~~ the same linked segments structure as the claimed invention, where the segments are move^{ed} and seat^{ed} against different diameter tubing. The applicant's arguments on the fact that Watts' teaching of

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the elastomeric material molding may abrade and break off are not persuasive, since the applicant is not claiming of the use of elastomeric materials. Although Watts mentioned ~~of~~ the use of pins, Olson teaches the use of vertical pins in aligning the segment on the body. It would have been obvious to one of ordinary in the art at the time of the invention was made to have use the ram taught by Watts and Avakov in combination with the vertical pins taught by Olson to efficiently move the segment to close about a tubing.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

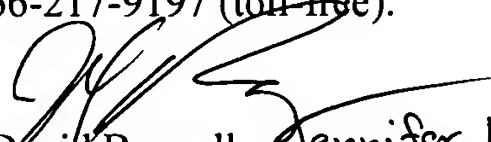
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Kinney whose telephone number is 571-272-1615. The examiner can normally be reached on 9-6 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Bagnell Jennifer H Gay
~~Supervisory Patent Examiner~~ Primary Examiner
Art Unit 3672

nmk